

FILED 11 MAR 1 11:22AM 2011 USDC-OR

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

MICHAEL S. SHARPE, DENISE
M. SHARPE,

Plaintiffs,

Civ. No. 11-3020-PA

ORDER

v.

WELLS FARGO HOME MORTGAGE,

Defendant.

PANNER, J.

Pro se plaintiffs Michael and Denise Sharpe seek an *ex parte* temporary restraining order to enjoin the foreclosure sale of their home. Plaintiffs allege the house is scheduled for a foreclosure sale on March 4, 2011 and that defendant Wells Fargo Home Mortgage has not complied with the legal requirements for a valid foreclosure. Specifically, plaintiffs allege that MERS lacked authority to transfer the deed and/or note, and that

defendant failed to record transfers/assignments as required under the Oregon Trust Deed Act. In Oregon, this argument could be successful. See Burgett v. Mortg. Elec. Registration Sys., Inc., 2010 WL 4282105 *3 (D. Or. Oct. 20, 2010).

Because of the alleged imminent foreclosure sale, I grant plaintiffs' request for a temporary restraining order (#2). Defendant, and its officers, agents, etc..., and other persons in active concert or participation with defendant, who receive actual notice of this order, are restrained from carrying out a foreclosure sale of plaintiffs' property located at: 430 Robleda Dr., Central Point, Oregon, 97502 from this day until Tuesday, March 15, 2011, at 5:00 p.m. On Tuesday, March 15, 2011, at 10:00 a.m. in Medford, Oregon, this court will hold a hearing on whether to issue a preliminary injunction.

IT IS SO ORDERED.

DATED this 15th day of March, 2011.



OWEN M. PANNER
U.S. DISTRICT JUDGE